

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

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JANE DOE, both individually and on behalf of a	:	
class of others similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 2:13-CV-0503
	:	
FRANKLIN COUNTY, OHIO	:	
	:	
Defendants.	:	
_____	:	

**MOTION AND AFFIRMATION FOR LEAVE TO FILE CASE WITH ANONYMOUS  
PLAINTIFF, AND FOR LEAVE TO FILE THE IDENTITY OF THE ANONYMOUS  
PLAINTIFF UNDER SEAL**

**Andrew S. Baker, Esquire**, an attorney duly licensed to practice law before the Courts of the State of Ohio, and admitted before this Honorable Court, hereby affirms as follows:

1. I am, together with co-counsel in Pennsylvania and New York, the attorney for Plaintiff Jane Doe and the Proposed Class. I provide this motion and affirmation in support of the Jane Doe Plaintiff's motion to file this action anonymously, and for leave to file her identifying information with the Court under seal.
2. The present action seeks to address the strip search of Jane Doe while she was detained at the Franklin County Jail. During this strip search, Franklin County Jail officials forced Ms. Doe to expose her tattoos so that they could be photographed by a male and female corrections officer. Ms. Doe was thus forced to expose tattoos near her genitals, including one tattoo on her pubic bone. Several of these tattoos reflect Ms. Doe's sexual orientation, including tattoos of a female symbol and a rainbow. Public disclosure of Ms. Doe's sexual orientation, as well as the

placement of these tattoos near and/or on her genitals, would expose Ms. Doe to public ridicule if her identity is revealed.

3. The Plaintiff thus seeks leave of court to file this action as an anonymous plaintiff. In considering such a request, the Court must balance the plaintiff's privacy interests against the countervailing presumption of open judicial proceedings. *John Does 1-4 v. Snyder*, 2012 WL 1344412, \*1 (E.D. Mich. April 18, 2012). In doing so, the Court must consider factors such as whether "the litigation involves matters that are highly sensitive and of a personal nature, whether there is a risk of retaliatory mental harm from the public disclosure of a party, and whether the plaintiff is particularly vulnerable to the possible harms of disclosure." *Sealed Plaintiff v. Sealed Defendants*, 537 F.3d 185, 189 (2d. Cir. 2008); *see also Doe v. Porter*, 370 F.3d 558, 560-61 (6th Cir. 2004) (plaintiffs allowed to litigate anonymously because subject matter of litigation forced plaintiffs to reveal religious beliefs, a particularly sensitive topic that could subject them to harassment, and case was brought on behalf of young children, whom court deemed especially vulnerable).

4. Recognizing that homosexual individuals may be especially vulnerable to harassment and ridicule, courts have permitted individuals to litigate anonymously in cases where a contrary ruling would reveal a party's sexual orientation. *See IO Group, Inc. v. Does 1-19*, 2011 WL 772909, \*1 (N.D. Cal., Mar. 1, 2011) (party allowed to litigate anonymously based on concerns about being named publicly in complaint involving gay pornography); *see also Doe v. United Servs. Life Ins. Co.*, 132 F.R.D. 437, 439 (S.D.N.Y. 1988) (allowing plaintiff to litigate anonymously where he risked public identification as a gay man); *Doe v. U.S. Air Force*, 812 F.2d 738, 739 n. 1 (D.C. Cir. 1987) ("The district court granted plaintiff permission to file his complaint under a pseudonym because of the Air Force's belief that he is homosexual"). The

Plaintiff respectfully submits that her interest in remaining anonymous as a homosexual/bisexual individual, and the harm that would be involved from the public disclosure of her identity, overweighs any countervailing interests. As such, the Plaintiff respectfully requests leave of court to file this action anonymously, and to be listed in the caption as the “Jane Doe” Plaintiff.

5. Defendants are certainly entitled to know the identity of the Plaintiff. In this regard, the Plaintiff proposed to file a “Designation of Jane Doe Plaintiff” with the Court, providing her name and identifying information, and attach this designation to her Complaint. The Plaintiff requests leave of court to file this Designation under seal to protect her identity.

WHEREFORE, the Plaintiff respectfully requests leave of Court to file this action anonymously, and leave of Court to file a designation reflecting her identity with the Court under seal.

Respectfully Submitted By:



Dated: July 24, 2013

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JANE DOE**